

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-HC-2049-FL

FILED

JUN 11 2010

WALTER DUANE WHITE,

Petitioner,

v.

D.R. STEPHENS,

Respondents.

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DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY _____ DEP CLK

ORDER

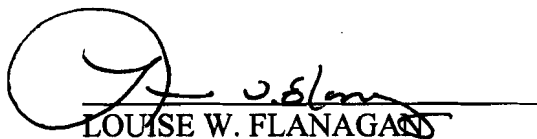
Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter is before the court for an initial review pursuant to 28 U.S.C. § 2243. Because it does not clearly appear from the face of the petition that the petitioner is not entitled to relief, the matter is allowed to proceed.

The matter also is before the court on petitioner's motion for a preliminary injunction (DE # 3). A preliminary injunction is an extraordinary remedy which should not be granted unless there is a clear showing of both likely success and irreparable injury. The Real Truth About Obama, Inc. v. Fed. Election Comm'n, 575 F.3d 342, 345 (4th Cir. 2009), vacated on other grounds, ___ S. Ct. ___, 2010 WL 1641299 (Apr. 26, 2010) (mem.), reinstated in relevant part on remand, ___ F.3d ___, 2010 WL 2280619 (4th Cir. June 8, 2010). The movant must establish the following to obtain a preliminary injunction: (1) that he is likely to succeed on the merits; (2) that he is likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. Winter v. Natural Res. Def. Council, Inc., 555

U.S. ___, 129 S.Ct. 365, 374 (2008). Petitioner has failed to demonstrate irreparable harm, or any of the other requirements necessary to obtain injunctive relief, and his motion is therefore DENIED.

In summary, petitioner is ALLOWED to proceed on his § 2241 claim, and the Clerk of Court is DIRECTED to maintain management of the matter. Petitioner's motion for a preliminary injunction (DE # 3) is DENIED.

SO ORDERED, this the 10th day of June, 2010.


LOUISE W. FLANAGAN
Chief United States District Judge